REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action dated May 23, 2006, claims 1, 2, 7-9, 20, 22, 25 and 28-36 were pending. Claims 1, 2, 7-9, 20, 22, 25 and 28-36 were rejected. In this response, claims 1, 2, 7- 9, 20, 22, 25, and 28- 35 are pending. Claims 1, 2, 20, 22, 25, and 30-35 have been amended. No new claims have been added. Claim 36 has been canceled without prejudice. Support for the amendments can be found throughout the specification as filed. No new matter has been added. Applicants reserve all rights with respect to the applicability of the Doctrine of Equivalents.

Amendments

Rejections under 35 U.S.C. § 112

Claims **1, 2, 7-9, 20, 22, 25, and 28-36**

Claims 1, 2, 7-9, 20, 22, 25 and 28-36 stand rejected under 35 U.S.C. §112 as failing to provide an enabling disclosure. Claim 36 has been canceled without prejudice. However, it is respectfully submitted that claims 1, 2, 7-9, 20, 22, 25 and 28-35, as amended, comply with the written description requirement under 35 U.S.C. §112.

The Office Action states that "there is simply no teaching or suggestion of the fact or the process performing selection of a first network design from among a plurality of network design for a network ... and configuring network settings, including IP addresses, ports and links based upon the design rule" (Office Action, page 3). Claims 1, 2, 7-9, 20, 22, 25 and 28-35, as amended, do not include the limitation of performing selection of a network design from among a plurality of network designs. However, applicants respectfully disagree with Examiner's apparent assertion that there is no teaching about configuring settings based on a design rule.

In particular, applicants direct Examiner's attention to paragraphs [0016] and [0021] of the specification as filed. In paragraph [0016], the first network design **112** is described to cause the master configurer **102** to configure a network. It is further described that the master configurerer **102** consults a design rule logic block **220** before configuring links into a digital image. In paragraph [0021], the design rule logic block **220** is described to contain instructions as to how a component in the network can and cannot be employed. Also described in paragraph [0021] is a rule base including a set of rules that govern what is and is not allowed through a server in the network. Paragraph [0021] further states a firewall server must be assigned to a certain IP address and E-mail servers and web servers must be assigned to certain sockets and ports. Clearly, configuration of settings is based on the design rule.

As such, claims 1, 2, 7-9, 20, 22, 25 and 28-35, as amended, comply with the with the written description requirement under 35 U.S.C. §112. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Claims **35-36**

Claims 35-36 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicants regard as the invention. Claim 36 has been canceled without prejudice. Claim 35 has been amended. In view of the amendments made to claim 35, applicants respectfully request reconsideration and withdrawal of this rejection.

Rejections under 35 U.S.C. § 103(a)

Claims **1, 2, 7, 9, 20, 22, 25, 28, 29, 31, 33 and 35**

Claims 1, 2, 7, 9, 20, 22, 25, 28, 29, 31, 33 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Abboud et al, US 2002/0184484 (hereinafter "Abboud") in view of Nakata, U.S. Patent No. 6,829,316 B1 (hereinafter "Nakata"). Applicants hereby reserve the right to swear behind the cited references at a later date. However, applicants respectfully submit that applicants' claims 1, 2, 7, 9, 20, 22, 25, 28, 29, 31, 33 and 35, as amended, are patentable over Abboud in view of Nakata.

Specifically, for example, independent claims 1, 20 and 25, as amended, include limitations similar to:

> "receiving a design list for a network of servers, the design list comprising functions of the network, amount of hardware for the network, type of hardware for the network and number of WAN IP addresses assigned to the network;
> generating a plurality of network designs for the network based upon a design rule and the design list, wherein a first network design of the plurality of network designs is selected, and wherein the design rule determines a first server in the network is first in receiving all incoming data packets to the network;
> configuring software and hardware settings for a second server in the network, the software and hardware settings including switches, jumpers, IP address, links, ports and values of software parameters, the configuration of the software and hardware settings based upon the design rule and the first network design;
> building a digital image with the software and hardware settings for the second server; and
> deploying the digital image onto the second server;"

(emphasis added)

Applicants' amended claim 1 contains the limitations of generating a plurality of network designs for a network based on a design rule and a design list including the number of WAN IP addresses assigned to the network and a hardware amount of the network to configure software and hardware settings for a server of the network according to a selected network design and the design rule which determines a server in the network is first in receiving all incoming data packets. It is respectfully submitted that the above limitations are absent from the cited references individually or in combination.

Rather, Abboud teaches a method for automatically re-provisioning an appliance server without significant user-interaction. An image file of a server is packaged by a re-provisioning utility with the current application from its NOS (network operating system) (Abboud, [0055]). When preparing an imaging operation for a server, a re-provisioning utility stores away system ID and IP addresses information, etc. in a file in the image partitions of the server. A remote image filed is fetched by the server and stored in the images partition (Abboud, [0053]). After the system partition overlays the image atop NOS partition, the server is re-booted with system partition set hidden. Following the re-boot, the system ID, IP address, and other parameters are retrieved from storage

(Abboud, [0054]). Clearly, system ID and IP addresses information are stored in a file different from an image file. In fact, Abboud specifically mentions that prior to the start of the re-provisioning operation, the re-provisioning utility places the system's network settings/parameters (e.g. system ID, IP address, etc.) in a file that is forwarded to the image partition, from where it may later be accessed to restore the system parameters after the re-provisioning process is completed (Abbound, [0052]). However, nowhere in Abbound discloses or suggests generating a plurality of network designs for a network based on a design rule and a design list including the number of WAN IP addresses assigned to the network and a hardware amount of the network to configure software and hardware settings for a server of the network according to a selected network design and the design rule which determines a server in the network is first in receiving all incoming data packets.

Nakata teaches a technique for designing a network by receiving initial conditions and outputting a design for the network that satisfying the network demands in the initial conditions (Nakata, Fig. 1, col. 4, lines 11-36). Nakata also discloses the initial conditions include demand links, candidate links and existing links (Nakata, col. 4, lines 14-15). Nakata further provides a method to design a network by using a candidate network (Nakata, col. 8, line 50 – col.9, line 45, Fig. 6), by upgrading a candidate network (Nakata, col. 9, line 48 – col. 10, line 23, Fig. 7) and by including protection paths in a network from candidate network (Nakata, col. 10, lines 28-53, Fig. 8). Thus, each method disclosed in Nakata generates only one network representation regardless of different types of inputs received. In contrast, claim 1, as amended, refers to generating a plurality of network designs. Nowhere does Nakata disclose or suggest the above noted limitations.

Further, Abboud discloses a re-provisioning method to replace an application running on a particular server by another application, due to, for example, a need to run the other application when all available servers are already being utilized (Abbound, [0010]). After re-provisioning, the network and system information/settings are conveniently restored. In contrast, claim 1, as amended, includes configuring hardware

and software settings based on a network design and a design rule. Therefore, Abbound teaches away from applicants' claimed invention.

Further, Nakata is related to a method and system for designing a network. Abbound, on the other hand, relates to a method for extending server appliance functionality to allow automatic re-provisioning of the server appliance. Network settings are only restored during re-provisioning in Abbound. Thus, there is neither suggestion nor motivation to combine the teachings of Abbound and Nakata.

As such, not only do Abbound and Nakata not disclose, individually or in combination, all limitations of claims 1, as amended, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. Even if they were combined, such a combination still lacks the limitations set forth above.

Therefore, for at least the above stated reasons, it is respectfully submitted that independent claims 1, 20, 25 and dependent claims claim 2, 7, 9, 22, 28, 29, 31, 33 and 35, as amended, are patentable over Abbound in view of Nakata.

Claims **8**

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Abbound in view of Nakata further in view of Haun et al., U.S. Patent Number 6,751,658 (hereinafter, "Haun"). Applicants hereby reserve the right to swear behind the cited references at a later date. However, applicants respectfully submit that applicants' claim 8, as amended, is patentable over Abboud in view of Nakata in further view of Haun.

Claim 8, as amended, depends from independent claim 1, as amended. Therefore, claim 8, as amended, includes all the limitations of independent claim 1, as amended. It is respectfully submitted that the above noted limitations of claim 1, as amended, are absent from Abboud, Nakata and Haun, individually or in combination.

Haun teaches a method for providing a fault-tolerant, self-repairing, and remotely maintainable operating system for NC (network computer) clients (Haun, col. 2, lines 45-

55). An NC client boots from the network and accesses a stored copy of the operating system from an NC server (Haun, col.2, lines 55-60). However, nowhere does Haun disclose or suggest generating a plurality of network designs for a network based on a design rule and a design list including the number of WAN IP addresses assigned to the network and a hardware amount of the network to configure software and hardware settings for a server of the network according to a selected network design and the design rule which determines a server in the network is first in receiving all incoming data packets.

Further, Haun is related to network computing. Specifically, a network computer client boots from a boot image provided by a network computer server. For reasons similar to those discussed above, applicants respectfully submit that there is neither suggestion nor motivation to combine the teachings of Abbound, Nakata, and Haun.

As such, not only do Abbound, Nakata and Haun not disclose, individually or in combination, all limitations of claim 1, as amended, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. Even if they were combined, such a combination still lacks the limitations set forth above.

Therefore, for at least the above stated reasons, it is respectfully submitted that independent claim 1, as amended, and dependent claim 8 are patentable over Abbound in view of Nakata in further view of Haun.

Claims **30, 32 and 34**

Claims 30, 32 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Abbound in view of Nakata further in view of Johnson et al., U.S. Patent Number 6,205,477 (hereinafter, "Johnson"). However, applicants respectfully submit that applicants' claims 30, 32 and 34, as amended, is patentable over Abboud in view of Nakata in further view of Johnson.

Claims 30, 32 and 34, as amended, depend from independent claim 1, 20 and 25, as amended. Therefore, claims 30, 32 and 34, as amended, include all the limitations of independent claims 1, 20 and 25, as amended, respectively. It is respectfully submitted that the above noted limitations of claims 1, 20 and 25, as amended, are absent from Abboud, Nakata and Johnson, individually or in combination.

Johnson teaches associating a Domain Name System host name with a plurality of servers and assigning each server a portion metric to designate a portion of total server requests to be allocated (Johnson, col. 2, lines 45 – 56). However, nowhere does Johnson disclose or suggest generating a plurality of network designs for a network based on a design rule and a design list including the number of WAN IP addresses assigned to the network and an hardware amount of the network to configure software and hardware settings for a server of the network according to a selected network design and the design rule which determines a server in the network is first in receiving all incoming data packets.

Further, Johnson is related to traffic redirection in a distributed system. More particularly, Johnson relates to redirecting traffic among a number of servers using a portion metric for each server. For reasons similar to those discussed above, applicants respectfully submit that there is neither suggestion nor motivation to combine the teachings of Abbound, Nakata, and Johnson.

As such, not only do Abbound, Nakata and Johnson not disclose, individually or in combination, all limitations of claims 1, 20 and 25, as amended, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. Even if they were combined, such a combination still lacks the limitations set forth above.

Therefore, for at least the above stated reasons, it is respectfully submitted that independent claims 1, 20 and 25, as amended, and dependent claims 30, 32 and 34 are patentable over Abbound in view of Nakata in further view of Johnson.

Claim 36

Claim 36 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Abbound in view of Nakata further in view of Steitle et al., U.S. Application Publication N.O. 2002/0188700 A1 (hereinafter, "Steitle"). Applicants hereby reserve the right to swear behind the cited references at a later date. Claim 36 has been canceled without prejudice. Therefore, reconsiderations and withdraw of this rejection are respectfully requested.

The Office Action acknowledges Abbound in view of Nakata does not disclose the design list requirement includes functions, hardware amount, hardware type and the number of WAN IP addresses (Office Action, page 10). The Office Action further states Steitle discloses the process wherein the user is required to input the design requirements which include types of network servers, type of software, types of routers, types of clients, relationship among the components, cluster configuration, etc (Office Action, page 10). However, the Office Action asserts "it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Abbound in view of Nakata in order to include design requirements such as functions, hardware amount, hardware type and the number of WAN IP address". Applicants respectively disagree.

In particular, Steitle teaches a network system design method receiving user inputs and sending the user network specifications accordingly (Steitle, Fig. 2, [0019]-[0020]). User inputs include a selected component, a selected component location, a connectivity between the selected component an previously selected components, a software option, a selected security, a storage option, a cluster configuration of the selected component, and a geographic location of the selected component. (Steitle, [0019]). Examples of components include types of network server, types of software, types of routers, type of client workstations (Steitle, [0013]). However, nowhere does Steitle disclose or suggest hardware amount or number of WAN IP addresses.

In fact, Steitle mentions the desirability to make available a network design system allowing a user to configure a network with minimal requirement for detailed

technical knowledge on the part of the users (Steitle, [0004]). Indeed, selecting network components to compose a network in Steitle includes selecting types of servers, software, routers or client workstations. Therefore, Steitle teaches away from design list requirement including hardware amount and number of WAN IP addresses.

As such, not only do Abbound, Nakata and Steitle not disclose, individually or in combination, the limitation that design list requirement includes functions, hardware amount, hardware type and the number of WAN IP addresses, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. Even if they were combined, such a combination still lacks the limitations set forth above.

CONCLUSION

It is respectfully submitted that the applicable rejections and objections have been overcome.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,
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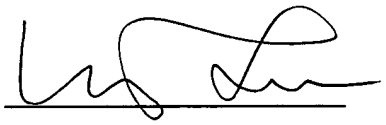

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